

CITY OF BATAVIA BUSINESS MINUTES DECEMBER 14, 2020

The regular business meeting of the City Council was held Monday, December 14, 2020 in the Council Chambers immediately following the conference meeting, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Bialkowski, Briggs, Pacino, McGinnis, Canale, Viele, Karas, and Christian.

In attendance from the City of Batavia were Ray Tourt, Chief Heubusch, Chief Napolitano, and Lisa Casey.

Council President Jankowski called the meeting to order at 7:53 PM.

The financials from October 2020 were approved.

The minutes from the November 2020 meetings were approved.

The Council President assigned the regular agenda items.

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City Attorney's Report

George Van Nest, City Attorney, noted they continue to work on matters across the spectrum and have been coordinating with the police reform group. He wanted to acknowledge that they have not worked on code enforcement cases because of COVID as these have been put on hold for the time being by the courts and not sure when it will start up again.

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City Manager's Report

Rachael Tabelski, City Manager, noted that Governor had put Batavia in a yellow zone today which means some restrictions on indoor dining and bars as well as gathering restrictions. She noted that her office is working on the budget and has been meeting with the police stakeholders group. She stated that the Miami Marlins decided not to continue with the Mcukdogs but have many other leagues interested in playing ball in the City. Council President Jankowski asked that future resolutions include the corporate address of companies listed so we know exactly who we are doing business with.

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Committee Reports

Councilmember Pacino noted that BID has a wreath contest going on and they can be voted on to determine the winner.

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Unfinished Business

None.

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New Business

#85-2020

A RESOLUTION TO AMEND THE INVESTMENT POLICY TO ALLOW THE CITY MANAGER TO ADD DESIGNATED DEPOSITORIES AND DEPOSIT FUNDS INTO ESTABLISHED FINANCIAL INSTITUTIONS

Motion of Councilmember Bialkowski

WHEREAS, the City invests funds on a regular basis into designated depositories; and

WHEREAS, sometimes better interest can be earned from financial institutions not listed in the policy; and

WHEREAS, To achieve “real time” investing that would maximize the interest return on City funds the City of Batavia will amend the City of Batavia Investment Policy to allow the City Manager, in consultation with the City Clerk Treasurer and the Deputy Director of Finance to authorize the deposit of funds into established financial institutions; and

WHEREAS, to ensure full accountability and transparency, the City Manager would advise council of the new financial institution added to the list of designated depositories at the next council meeting during the City Manager’s report.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia amends the City of Batavia Investment Policy to reflect the authority of the City Manager to authorize the deposit of funds into established financial institutions.

BE IT FURTHER RESOLVED, that to ensure full accountability and transparency, the City Manager must advise council of all new financial institutions added to the list of designated depositories at the next council meeting during the City Manager’s report.

Seconded by Councilmember Viele and on roll call approved 9-0.

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#86-2020

**A RESOLUTION TO GRANT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (DEC) ACCESS TO 267 BANK STREET FOR REMEDIAL ACTION IN
RELATION TO THE BATAVIA IRON & METAL SITE**

Motion of Councilmember Canale

WHEREAS, parcels addressed at 301 Bank Street (SBL No. 71.019-1-12) and 305 Bank Street Rear (SBL No. 71.019-1-15), formerly known as the Batavia Iron and Metals Co. Inc., were used to reclaim iron, metal and wire materials for sale to recycling and manufacturing firms; and

WHEREAS, both parcels were accepted into the New York State Environmental Restoration Program (ERP) administered by the New York State Department of Environmental Conservation (DEC); and

WHEREAS, after performance of a comprehensive site investigation on the parcels under the ERP program, significant environmental contamination has been identified at both parcels; and

WHEREAS, DEC has placed the Batavia Iron and Metals Site into the New York State Superfund Program and identified the need for significant environmental remediation at both properties; and

WHEREAS, the City owns property contiguous to the Batavia Iron & Metal Site, 267 Bank Street, and been requested to grant DEC access the property for remedial action on the southeast corner of the property as depicted by the site diagram.

WHEREAS, the City previously granted DEC site access authorization for 299 Bank associated with off-site impacts and additional remedial work will be performed on the parcel as part of the Batavia Iron & Metal remedial project; and

WHEREAS, its in the City's interest to cooperate with DEC to grant site access and facilitate the remediation of the Batavia Iron & Metal Site.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia authorizes the City Council President to execute the NYS DEC Property Access for Remedial Action at 267 State Street.

Seconded by Councilmember McGinnis and on roll call approved 9-0.

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#87-2020

**A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH EMPIRE ACCESS FOR FIBER INTERNET SERVICE FOR THE CITY OF
BATAVIA**

Motion by Councilmember McGinnis

WHEREAS, the City of Batavia, in accordance with the 2020-21 budget, released an request for proposals (RFP) for a fiber/broadband connectivity solution project; and

WHEREAS, RFP's were received to provide the City with secure fiber internet to safely connect all facilities with a long-term service contract; and

WHEREAS, a committee of City personnel and the City's contract information technology firm selected Empire Access to perform the work; and

NOW, THEREFORE, BE IT RESOLVED, be it resolved that City Council of the City of Batavia approves the award of a contract for fiber internet solution to Empire Access in the amount of \$3,500.

BE IT FURTHER RESOLVED, by the City Council of the City of Batavia, authorizes the Council President to sign the service agreement with Empire Access for the Fiber/Broadband Connectivity Solution Project and Service for the City of Batavia with an annual cost of \$8,400 for internet service. The agreement is for a five-year term with a fixed price.

Seconded by Councilmember Viele and on roll call approved 9-0.

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#88-2020

**A RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH
DECEMBER 31, 2021**

Motion of Councilmember Pacino

WHEREAS, the Batavia City Council, pursuant to the City Charter, is required to schedule regular Council meetings through the standard resolution process; and

WHEREAS, City Council historically meets on the second and fourth Monday of each month except during the months of July, August and December where the Council meets only on the second Monday; and

WHEREAS, City Council must designate the specific location and time of meetings on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby designates the Council Board Room located at City Hall, One Batavia City Centre, as the regular meeting place for the scheduled Council meetings through December 31, 2021; and

BE IT FURTHER RESOLVED, that the City Council shall meet at 7:00 p.m. at the City Council Board Room on the designated dates as outlined on Attachment “A” through December 31, 2021.

Seconded by Councilmember Briggs and on roll call approved 9-0.

2021 City of Batavia Council Meetings

January 11, 2021 (Business)
January 25, 2021 (Conference)
February 8, 2021 (Business)
February 22, 2021 (Conference)
March 8, 2021 (Business)
March 22, 2021 (Conference)
April 12, 2021 (Business)
April 26, 2021 (Conference)
May 10, 2021 (Business)
May 24, 2021 (Conference)
June 14, 2021 (Business)
June 28, 2021 (Conference)
July 12, 2021 (Business and Conference)
August 9, 2021 (Business and Conference)
September 13, 2021 (Business)
September 27, 2021 (Conference)
Tuesday, October 12, 2021 (Business)
October 25, 2021 (Conference)
November 8, 2021 (Business)
November 22, 2021 (Conference)
December 13, 2021 (Business and Conference)

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#89-2020

**A RESOLUTION TO ENTER INTO AN AGREEMENT
WITH ARCHITECTURAL RESOURCES FOR ENGINEERING SERVICES FOR THE
DRI JACKSON SQUARE PROJECT**

Motion by Councilmember Karas

WHEREAS, a Project for the enhancement of Jackson Square was approved for the Downtown Revitalization Initiative (DRI) in the City of Batavia; and

WHEREAS, eleven proposals were received for a consultant to perform the Engineering Services, and a committee of City personnel and stakeholders selected Architectural Resources to perform the work;

NOW, THEREFORE, be it resolved that City Council approves the award of a contract for Engineering Services for the enhancement of Jackson Square to Architectural Resources in the amount of \$114,720.

Motion Seconded by Councilmember Briggs and on roll call approved 9-0.

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#90-2020

**A RESOLUTION TO APPOINT MEMBERS TO VARIOUS CITY COMMITTEES/
BOARDS**

Motion of Councilmember Viele

WHEREAS, certain vacancies exist on various City Committees/Boards.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that the following appointments be made:

Historic Preservation Commission

Ryan Duffy
Connie Boyd

December 31, 2023
December 31, 2023

Seconded by Councilmember Karas and on roll call approved 9-0.

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#91-2020

A RESOLUTION APPOINTING THE PART-TIME CITY COURT JUDGE

Motion of Councilmember Christian

WHEREAS, Section 2104 of the Uniform City Court Act provides for the appointment of a City Court Judge who, in the temporary absence or inability of the City Judge, shall exercise all power of said Judge, and

WHEREAS, Section 2104(e)(1) (ii) and Section 2104(b)(3) of the Uniform City Court Act provides that the City Court Judge shall be appointed by Council and serve for a six (6) year term, and

WHEREAS, Thomas A Burns, will be appointed to this position on January 1, 2021 and their term as City Court Judge is due to expire on December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that, Thomas A Burns, a resident attorney, possessing the necessary qualifications, is hereby appointed to the position of City Court Judge, for a six year term commencing on January 1, 2021 and expiring on December 31, 2026, with all of the powers and authority granted by Local and State Law; and be it

FURTHER RESOLVED that this resolution shall be effective nunc pro tunc.

Seconded by Councilmember Viele and on roll call approved 8-1. Councilmember Bialkowski voted no.

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#92-2020

A RESOLUTION TO SUPPORT THE SUBMISSION A NEW YORK MAIN STREET GRANT APPLICATION BY THE BATAVIA DEVELOPMENT CORPORATION

Motion of Councilmember Viele

WHEREAS, the New York State Office of Community Renewal (NYSOCR) is offering New York Main Street grants that are due January 15, 2021; and

WHEREAS, the New York Main Street program provides funding for building and streetscape improvements; and

WHEREAS, the Batavia Development Corporation is an eligible applicant for the New York Main Street program; and

WHEREAS, the Batavia Development Corporation would like to apply for a New York Main Street Anchor grant funding during this NYSOCR funding cycle to assist Theatre 56 with the completion of their project; and

WHEREAS, municipalities in which New York Main Street projects are located are required to provide a resolution supporting the application for funding.

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia Council does hereby enthusiastically support the submission of an application by the Batavia Development Corporation for the winter 2020 round of the New York Main Street Program for up to \$500,000 in New York Main Street Anchor funding.

Seconded by Councilmember Briggs and on roll call approved 9-0.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Pacino

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...".

WHEREAS, Article 7, Section 105(1)(e), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...collective negotiations pursuant to article fourteen of the civil service law..." and;

WHEREAS, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation..."and;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

Seconded by Councilperson Viale and on roll call approved 9-0. Entered executive session at 8:19 PM and ended at 9:08 PM.

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Meeting adjourned at 9:09 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**